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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,762	02/27/2004	William Robert Haas	200300341-1	9282

22879 7590 06/19/2007

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

HENN, TIMOTHY J

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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06/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p align="center">10/788,762</p>	<p>Applicant(s)</p> <p align="center">HAAS ET AL.</p>	
	<p>Examiner</p> <p align="center">Timothy J. Henn</p>	<p>Art Unit</p> <p align="center">2622</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 3, 9, 10, 18 and 20 are objected to because of the following informalities:
The claims as written require a feature "selected from the group comprising". However, it is improper to use "comprising" instead of "consisting" for a Markush claim (see MPEP §2137.05(h); Ex parte Dotter, 12 USPQ 382 (Bd. App. 1931)). Therefore, for the purposes of art rejections, the claim limitations will be read as requiring only one of the listed items (i.e. written in the alternative). Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 10-15, 17, 19, 20, 22, 24 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller et al. (US 6,879,342).

[claim 1]

Regarding claim 1, Miller discloses a processor-executable instructions (i.e. software) configured for scrolling a number of images across a display screen (c. 3, l. 52 - c. 4, l. 46; Figures 5-7). The examiner notes that software as described by Miller is

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inherently stored on a "processor-readable medium" as claimed to allow the processor to read the instructions and carry out the tasks described.

[claim 2]

Regarding claim 2, Miller discloses instructions for varying the speed of the scrolling (i.e. an acceleration button 25; c. 6, ll. 46-65).

[claim 3]

Regarding claim 3, Miller discloses instructions for fast-forward scrolling, slow scrolling, reverse scrolling, pausing the scrolling and resuming the scrolling (i.e. scrolling left or right in combination with the acceleration button (Figures 5-7; c. 6, ll. 46-65).

[claim 4]

Regarding claim 4, Miller discloses instructions for locking (i.e. stopping) an image in place on the display screen (i.e. pressing a forward or reverse button once and releasing to move an image right justified position, e.g. Figure 5, Item 38b above Item 34b) and scrolling images behind the locked image (i.e. pressing a forward or reverse button a second time after stopping scrolling). The examiner notes that after scrolling is resumed, the images "behind" the image 38b placed above bar 34b in Figure 5 are scrolled across the screen. For the purposes of rejecting claim 4, "behind" is being read as being behind in sequence.

[claim 5]

Regarding claim 5, Miller discloses instructions for locking an image at a justified position at one edge of the display screen (Figure 5).

[claim 6]

Regarding claim 6, Miller discloses instructions for unlocking a locked image (i.e. pressing a left or right scroll button), locking a new image in place on the display screen (i.e. stopping the scrolling) and scrolling images behind the new image (i.e. resuming scrolling to scroll images which are behind the new image in sequence; Figures 5-7, see also the rejection of claim 4 above).

[claim 7]

Regarding claim 7, Miller discloses instructions for altering the number of images being scrolled across the display screen (Figure 7; c. 7, ll. 44-65).

[claim 10]

Regarding claim 10, Miller discloses scrolling in a direction from left to right or from right to left across the display screen (Figures 5-7; c. 6, ll. 47-65).

[claim 11]

Regarding claim 11, Miller discloses scrolling images in sequence from left to right or right to left (Figures 5-7; c. 6, ll. 47-65). The examiner notes that in the case of two images being stored on the device of Miller, either left to right or right to left scrolling will correspond to the case of presenting the images beginning the a most recently captured image and progressing toward a least recently captured image as claimed.

[claim 12]

Regarding claim 12, see the rejection of claim 12 above and note that Miller discloses the use of the disclosed scrolling system in a digital camera (Figure 1; c. 1, l. 36 - c. 2, l. 7).

[claim 13]

Regarding claim 13, Miller discloses a method comprising: capturing images with a digital camera and storing the images in a memory of the digital camera (Figure 1; c. 3, l. 52 - c. 4, l. 46); and displaying the images as a scrolling slideshow on the display screen of the digital camera (Figures 5-7).

[claim 14]

Regarding claim 14, see claim 3 above.

[claim 15]

Regarding claim 15, see claims 4 and 5 above.

[claim 17]

Regarding claim 17, Miller disclose a digital camera (Figure 1) comprising: a display screen (Figure 1, Item 14); captured images (Figure 1, Item 8; c. 3, ll. 52-64) and a scrolling slideshow module configured to scroll the images across the display screen in a scrolling slideshow (Figure 1, Item 6 and Figures 5-7).

[claim 18]

Regarding claim 18, Miller discloses features including pause (i.e. stopping an image in a non-right or non-left justified position), resume, speed, direction, locking and unlocking (i.e. locking and unlocking can be read to correspond to stopping an image at

a right or left justified position in the screen; Figures 5-7 and c. 6, l. 46 - c. 8, l. 18).

[claim 19]

Regarding claim 19, Miller discloses a controller configured to manipulate the scrolling control features (c. 6, ll. 46-65).

[claim 20]

Regarding claim 20, Miller discloses either an internal memory or an external memory for storing the images (Figure 1, Item 8; c. 3, ll. 55-59)

[claims 22 and 24]

Regarding claims 22 and 24, see claims 17 and 18 above.

[claim 25]

Regarding claim 25, Miller discloses means for increasing and decreasing the number of images being scrolled across the display screen (Figure 7; c. 7, ll. 44-65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 9, 16, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (US 6,879,342).

[claims 8 and 9]

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Regarding claims 8 and 9, Miller does not disclose instructions for driving an external display screen with the digital camera such that multiple images are scrolled across the external display screen as claimed. Official Notice is taken that it is well known in the art to include external display driving functions in digital cameras so that a user or users may view the images stored on the digital camera on a larger screen, such as televisions, wide screen high definition televisions and computer monitors, than is provided in the digital camera. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include display driving instructions as claimed to drive an external display to allow users to scroll images stored on the camera of Miller on a larger screen to allow for easier viewing of the images.

[claim 16]

Regarding claim 16, see claim 8.

[claims 21 and 23]

Regarding claims 21 and 23, see the rejection of claim 8 above and note that in order to be displayed on an external display, the images must be formatted (i.e. converted to a proper signal) so that they can be output to the external display.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- | | | |
|-----|---------------|-----------------|
| i. | Juen | US 2002/0054233 |
| ii. | Suzuki et al. | US 2001/0015762 |

iii.	Anderson	US 6,538,698
iv.	Anderson et al.	US 6,700,612
v.	Fredlund et al.	US 7,088,396
vi.	Terane et al.	US 6,734,909

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 11-7.

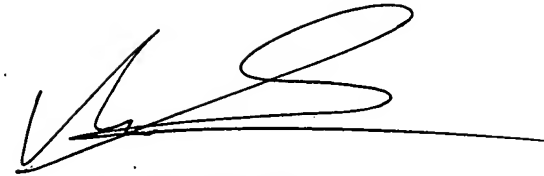
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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TJH
4/28/2007

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600